

COTTONWOOD HEIGHTS

ORDINANCE No. 183

AN ORDINANCE REPEALING CHAPTER 5.78, "SCAVENGERS," AND ENACTING CHAPTER 9.35, "SCAVENGING," OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, the Council met in regular session on 11 October 2011 to consider, among other things, repealing Chapter 5.78, "Scavengers" ("*Chapter 5.78*"), and enacting new Chapter 9.35, "Scavenging" ("*Chapter 9.35*"), of the Code to, *inter alia*, prohibit scavenging from dumpsters, bins and other waste receptacles located in the public way; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so repeal current Chapter 5.78 of the Code as proposed; and

WHEREAS, after careful consideration, the Council also has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so enact new Chapter 9.35 of the Code, a copy of which is annexed as an exhibit hereto;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Repeal of Chapter 5.78.** The Council hereby repeals current Chapter 5.78 of the Code.

Section 2. **Enactment of Chapter 9.35.** The Council hereby enacts new Chapter 9.35 of the Code in the form of the attached exhibit.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 183 (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

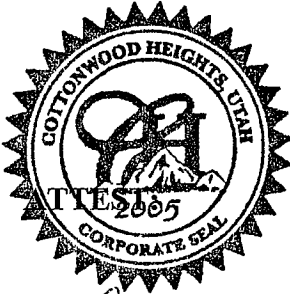
Section 4. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 183, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 11th day of October 2011.

COTTONWOOD HEIGHTS CITY COUNCIL



Linda W. Dunlavy
Linda W. Dunlavy, Recorder

By Kelvyn H. Cullimore, Jr.
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 11th day of October 2011.

POSTED this 12 day of October 2011.

Chapter 9.35

SCAVENGING

Sections:

9.35.010 Definition.

9.35.020 Scavenging prohibited.

9.35.010 Definition.

Whenever used in this chapter, "scavenge" means the taking or gathering by a private entity or individual of something usable or saleable from discarded material located in a bin, can, dumpster or other refuse container located in the public right of way. "Scavenge" does not include:

A. The taking of any such material by the Salt Lake County Special Service District No. 1 or any other governmental entity; or

B. The retrieval of any such material by the person who originally placed it in such refuse container.

9.35.020 Scavenging prohibited.

Scavenging is unlawful in the city. Any person who violates this chapter shall be guilty of a misdemeanor as provided in section 1.08.020 of this code.